

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**UNITED STATES OF AMERICA, ex rel.** )

**PAM TUCKER,** )

Plaintiff(s), )

V. )

**P.D.L. NAYAK,** )

Defendant. )

Civil No. **06-662-JPG**

**ORDER**

**PROUD, Magistrate Judge:**

Before the Court is plaintiff Tucker's motion to compel defendant to comply with Federal Rule of Civil Procedure 26 and make required disclosures. **(Doc. 36)**. A review of the record reveals that the motion is premature, in that the original case was dismissed in January 2008, and not reopened until April 2008, when Judge Gilbert reopened the case and granted plaintiff leave to file an amended complaint. **(Doc. 38, p. 4)**. The subject motion was filed on March 26, 2008, before the case was reopened and before a scheduling order was entered. Federal Rule of Civil Procedure 26(a)(1) indicates discovery cannot even commence until after the scheduling conference.

**IT IS THEREFORE ORDERED** that plaintiff's motion to compel **(Doc. 36)** is **DENIED AS PREMATURE**.

**IT IS SO ORDERED.**

**DATED: August 6, 2008**

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**